

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

RENT-A-CENTER EAST, INC.,

Defendant.

Case No. 16-cv-2222

Magistrate Judge Long

PLAINTIFF EEOC'S MOTION IN LIMINE NO. 8:

MOTION TO EXCLUDE CALL CENTER RECORDS

The EEOC moves for an order prohibiting Rent-A-Center from introducing into evidence certain late-disclosed records pertaining to calls made to its "Solutions Center," a call center that fields certain inquiries from employees and others. The records were untimely disclosed, irrelevant, and hearsay. Additionally, Rent-A-Center has not complied with the stipulation the parties entered into in order to eliminate the prejudice to the EEOC of those late disclosures.

Except for limited purposes not relevant here, discovery in this action ended on May 8, 2017. Joint Motion to Extend Discovery Deadline for Limited Purpose, ECF No. 33 (granted by minute order dated April 25, 2017). On July 27, 2017, Rent-A-Center disclosed documents Bates labelled RAC000683-699 as well as two additional witnesses, Marissa Torres and Maria Clatterbuck. The records consist of 15 pages of notes (known as "tickets") made by Solutions Center employees about phone calls from Megan Kerr about such matters as how to obtain a copy of her W-2 form, how to submit change-of-address information, and how to reach the corporate leasing department. See Exhibit 1, pp. 1-15. The final two pages of the late-disclosed

records are phone records that appear to be from Verizon, showing calls from Megan Kerr's phone number to "RENT A CENTER CORP." See id., pp. 16-17. Torres is a current Rent-a-Center employee. Clatterbuck Dep., attached as Exh. 2, at 7:2-5.

The records bear no apparent relevance to this action.

On October 23, 2017, the parties entered into a stipulation under which the EEOC agreed not to object to untimely depositions of Torres and Clatterbuck in exchange for an agreement that Rent-A-Center would respond on an expedited basis to certain follow-up discovery following the two depositions. See Stipulation, ECF No. 59, ¶¶ 1-2. Under the stipulation, the EEOC was authorized to serve additional discovery requests on or before November 15, 2017, and Rent-A-Center was to serve responses to such discovery requests on or before November 29, 2017. Id. ¶ 2.

The records are also plainly hearsay. To the extent that Rent-A-Center seeks to establish that they are within the business records exception, it cannot do so — and should not be permitted to do so because the company has failed to produce records that would enable the EEOC to evaluate whether the records are sufficiently reliable to fall within that exception to the hearsay rule. At her deposition, Torres testified that the company actively evaluated the accuracy of call center tickets. Torres Dep., at 42:11-45:22. She also testified that call center employees did at times receive less than satisfactory quality review scores. Id. at 47:15-24. Indeed, employees have been fired from the Solution Center as a result of deficient quality performance and quality reviews. Id. at 47:25-48:4.

The EEOC timely requested, pursuant to the discovery agreement contained in the stipulation, that Rent-A-Center produce quality assurance forms and other such ratings for the individuals who wrote the tickets contained in RAC000683-697, as well as any statistics or

analyses that more generally measured the accuracy of Solution Center tickets created in 2014. On November 29, 2017, Rent-A-Center responded that it would produce quality assurance forms and performance assessments for Clatterbuck, “provided that they exist.” The EEOC has received no such records. Rent-A-Center also objected to providing any of the other requested records.

To the extent that Torres’s testimony suggests that the “method or circumstances of preparation” of the call center tickets “indicate a lack of trustworthiness,” they do not qualify for the business records hearsay exception. F.R.E. 803(6)(E). Moreover, the records should also be excluded, as a matter of fairness, since Rent-A-Center has, in violation of the parties’ stipulation, refused to make available to the EEOC records that would enable the EEOC to further develop that argument.

CONCLUSION

WHEREFORE, the EEOC requests an order, *in limine*, to exclude the Solutions Center records from evidence.

December 15, 2017

Respectfully Submitted,

s/ Justin Mulaire
U.S. Equal Employment Opportunity Commission
33 Whitehall St., Fl. 5
New York, NY 10004
212-336-3744

CERTIFICATE OF SERVICE

I hereby certify that on today's date, I caused the EEOC'S MOTION IN LIMINE NO. 8 to be served upon counsel to Defendant via the court's Electronic Case Filing system, pursuant to Local Rule 5.3(A).

December 15, 2017

Respectfully Submitted,

s/ Justin Mulaire
U.S. Equal Employment Opportunity Commission
33 Whitehall St., Fl. 5
New York, NY 10004
212-336-3744

CHANGE OF ADDRESS - Message (HTML)

Sent: Thu 8/17/2014 8:17 AM

From: Solution Center [redacted]@yahoo.com
 To: [redacted]
 Subject: CHANGE OF ADDRESS
 Attachments: Change of Mailing Address Form.doc

Hello MEGAN KERR,

Thank you for contacting the RAC Solution Center regarding your change of address. I have attached a Change of Address form, which you will need to sign and fax back to the Payroll department, fax #1-856-308-5028.

If you should have any questions, please call the One Stop number at 1-800-275-2696.

Sincerely,

Amanda
 Payroll Specialist
 Human Resources | 5701 Headquarters Drive, Plano, TX 75024
 Redacted 2696



"Courage doesn't always roar. Sometimes courage is the quiet voice at the end of the day saying 'I will try again tomorrow.'"



Change of Mailing Address

If your mailing address has changed, please fill in your name, social security number, current mailing address and telephone number to update your personnel file. **Your signature is required to change your mailing address.**

Name (please print) _____

Social Security Number (Last 4 digits) _____ Employee number _____

Mailing Address _____ City _____

State _____ Zip Code _____ Telephone _____

Your Signature _____ Today's Date _____

Fax to (866) 308-5028

Cambio De Dirección

Si su dirección ha cambiado, por favor llene esta forma con su nombre, número de seguro social, dirección actual y su número de teléfono para actualizar su archivo personal. **Se requiere su firma para efectuar el cambio de dirección.**

Nombre (letra de imprenta) _____

Número del Seguro Social (Últimos 4 dígitos) _____ Número de Empleado _____

Dirección _____ Ciudad _____

Estado _____ Código Postal _____ Telefono _____

Firma _____ Fecha _____

Envía al número (866) 308-5028

< ☰ Non-Technical - INCCW023370

Exact search match. [Click here to see full search results.](#)

Number INCCW023370 Status Closed

Contact type Phone Category Misrouted

Requestor Type Coworker Subcategory Risk Management

Requestor MEGAN KERR Action Workmans Comp

Employee number Redacted 1487 Impact 2 - Medium

Call Back number Urgency 2 - Medium

Location 00319 - RANTOUL - A - M0091 - R0021 - S02 - RACUSA Priority 3 - Moderate

Language -- None --

Skill Type -- None --

Short description Worker's Comp Claim

Description Caller would like to file a worker's comp claim
Advised to call Redacted 7850 - c9

Assignment

Assignment group

Assigned to

Closure Information

Knowledge

Closure code Closed

Closure notes Advised to call Redacted 7850 - c9

NOTES

Activity

Watch list

Work notes list

Activity

CJ Cheryl Jackson

Requester: MEGAN MERR
 Description: Advised to call Released 7850-caj
 Impact: 2 - Medium
 Opened By: Cheryl Jackson
 Priority: 3 - Moderate
 Description: Worker's Comp Claim
 Status: Closed
 Requester Email: Cowo@her

2014-01-18 08:32:07

Ticket Audit Trail

Opened	2014-01-18 08:10:54	Updated	2014-09-20 07:48:26
Opened by	Cheryl Jackson	Updated by	136003
Created	2014-01-18 08:32:07	Closed	2014-01-18 08:37:07
Created by	110164	Closed by	Cheryl Jackson

40035063

Number INCCW0035063 Status Closed

Contact type Phone Category Payroll

Investor Type Coworker Subcategory Tax

Requestor MEGAN KERR Action W2 Question

Case number Redacted 1487 Impact 2 - Medium

Tick number Urgency 2 - Medium

Location 00319 - RANTOUL - A - M0091 - R0021 - 502 - RACUSA Priority 3 - Moderate

Language -- None --

Skill Type -- None --

Description w2 Inq

Description Megan Kerr EID 85380 store 00319 PH# 217 893 1487 AM

Megan called in to see how to get her w2...

Assignment group Assigned to

Knowledge Close code Closed

Close notes I walked co-worker through how to find the info on Racinet for the adp site...(under Operations Bulletin) site adv that she will try that...JJ

< Non-Technical - INCCW0035063

Notes

Watch list

Work notes list

Activity

Activity

JJ Jacia Jones
 Requester: MEGAN KERR
 Close notes: I walked co-worker through how to find the info on Eacmet for the adp site... (under Operations Bulletin) she adv that she will try that... JJ
 Impact: 2 - Medium
 Opened by: Jacia Jones
 Priority: 3 - Moderate
 Short description: w2, inc
 Status: Closed
 Requester Type: Coworker

2014-02-03 11:09:09

Ticket Audit Trail

Opened: 2014-02-03 11:06:42
 Opened by: Jacia Jones
 Created: 2014-02-03 11:09:09
 Created by: J74054

Updated: 2014-09-20 08:00:14
 Updated by: J36003
 Closed: 2014-02-03 11:09:09
 Closed by: Jacia Jones

Tasks Go to Number
 Parent = INCCW0035063

Priority Status Assigned to Short description Task type

No records to display

< Non-Technical - INCCW005796
o o o

Number INCCW005796

Contact type Phone

Requestor type Coworker

Requestor MEGAN KERR

Employee number Redacted 3772

Call Back number Redacted 3772

Location 00319 - BANTOUL - A - M0093 - R0021 - 502 - RACUSA

Language None

Skill type None

Short description direct phone number

Description wants a direct phone number for Corp Leasing

Status Closed

Category Misrouted

Subcategory Corporate Leasing

Action None

Impact 2 - Medium

Urgency 2 - Medium

Priority 3 - Moderate

Assignment group

Knowledge

Close notes one not found

Assigned to

Close code Closed

Assignment

Closure information

Notes

>

< | Non-Technical - INCCW0055796

Activity

Activity

KB Kimberly Blackwood

2014-03-04 11:57:37

Responsible: MEGAN KERR
 Operations: one not found
 Impact: 2 - Medium
 Opened by: Kimberly Blackwood
 Priority: 3 - Moderate
 Short description: direct phone number
 Status: Closed
 Restrictor type: Coworker

2014-03-04 12:02:10

Updated by: 107798

2014-03-04 12:02:10

Closed by: Kimberly Blackwood

Ticket Audit Trail

Event	Timestamp	Actor
Opened	2014-03-04 11:57:37	Kimberly Blackwood
Updated by	2014-03-04 12:02:10	107798
Closed	2014-03-04 12:02:10	Kimberly Blackwood

Tasks Go to Number

Parent = INCCW0055796

Priority

Status

Assigned to

Short description

Task type

No records to display

Task SLAs Go to SLA Definition

Task = INCCW0055796

Non-Technical - INCCW0138224
Exact search match. [Click here to see full search results.](#)

Number	INCCW0138224	Status	Closed
Contact type	Phone	Category	Acts Payable
Requestor Type	Coworker	Subcategory	Other
Requestor	MEGAN KERR	Action	None
Employee number		Impact	2 - Medium
Call Back number	(217) 550 8648	Urgency	2 - Medium
Location	00319 - PANTOUH - A - M0091 - R002L - S02 - RAC/USA	Priority	3 - Moderate
Language	None		
Skill Type	None		
Short description	Expense charge address.		
Description	Needs to get address to have her information change on expense check. Gave Patti's email address.		

Assignment

Assignment group: Assigned to

Closure Information

Knowledge: Closed

Closure notes: Close ticket ms

Notes

Close notes

Close ticket ms

Watch list

Work notes list

Activity

Activity

MS Maria Soria

- Requestor MEGAN KERR
- Close ticket ms
- Impact 7 - Medium
- Opened by Maria Soria
- Priority 3 - Moderate
- Short description Expense change address.
- Status Closed
- Requestor type Counselor

2014-07-24 11:40:03

Ticket Audit Trail

Opened	2014-07-24 11:37:58		Updated	2014-07-24 11:40:03
Opened by	Maria Soria		Updated by	167027
Created	2014-07-24 11:40:03		Created	2014-07-24 11:40:03
Created by	167027		Created by	Maria Soria

Tasks Go to Number

Parent = INCCW0138224

Number

Assigned to

Short description

Task type

< Non-Technical - INCCWD148510
✓

Exact search match. [Click here to see full search results.](#)

Number	INCCWD148510	Status	Closed
Contact type	Phone	Category	Payroll
Requestor Type	Former Coworker	Subcategory	Tax
First Name	MEGAN	Action	-- None --
Last Name	KERR	Impact	2 - Medium
Call-Back number	(217) 550-8648	Urgency	2 - Medium
Location	No Location	Priority	3 - Moderate
Language	-- None --		
Skill Type	-- None --		
Short description	WZ		

Description FORMER EID # 85380 LAST DOE 07.19.2014, GOT LOCKED OUT OF THE ADP WEBSITE....NEEDS HELP RESETTING PASSWORD PER SUZANNE, SHE WILL NEED TO REGISTER LIST AS SHE CAN NOT RESET A PASSWORD IF THERE IS NO REGISTRATION FOR HER....IAM

Assignment

Assignment group Assigned to

Closure Information

Closure Information

Knowledge Close code Closed

Close notes
 FORMER EID # 85380 LAST DOE 07.19.2014. GOT LOCKED OUT OF THE ADP WEBSITE..... NEEDS HELP RESETTING PASSWORD PER SUZANNE. SHE WILL NEED TO REGISTER 1ST AS SHE CAN NOT RESET A PASSWORD IF THERE IS NO REGISTRATION FOR HER..... MM

Notes

Work notes list

Activity

Activity	MM	Monica Melo	2014-08-06 15:44:24
Requester	MM	Monica Melo	
Close notes			
Impact	2 - Medium		
Opened by	Monica Melo		
Priority	3 - Moderate		
Short description	W2		
Status	Closed		
Requester Type	Former Coworker		
Ticket created	Suzanne Thompson		

Ticket Audit Trail

Opened	2014-08-06 15:33:28	Updated	2014-08-06 15:44:24
Opened by	Monica Melo	Updated by	163919
Created	2014-08-06 15:44:24	Closed	2014-08-06 15:44:24
Created by	163919	Closed by	Monica Melo

Non-Technical - INCCW0148530
Manage Attachments (1) MEGAN KERR - CHANGE OF ADDRESS msg (view)

Exact search match. [Click here to see full search results.](#)

Number	INCCW0148530	Status	Closed
Contact type	Phone	Category	Payroll
Requestor Type	Former Coworker	Subcategory	Profile Add / Update
First Name	MEGAN	Action	-- None --
Last Name	KERR	Impact	2 - Medium
Call-Back number	(217) 550-8648	Urgency	2 - Medium
Location	No Location	Priority	3 - Moderate
Language	-- None --		
Skill Type	-- None --		
Short description	UPDATE ADDRESS		
Description	Former EID# B5380... Megan Kerr, last doe 07.19.2014... Called to update address on file... indicated will email change of address form @ aftershock_tattoo@yahoo.com... she was able to verify that this email is correct... assign to Amanda Bell... ticket # given		
Assignment group		Assigned to	AMANDA BELL

Non-Technical - INCCW0148530	Knowledge	Close notes	SEE NOTES	Close code	Closed
Notes	Watch list	Activity	AB AMANDA BELL SENT FORM- SEE ATTACHED FILE -AB	AB AMANDA BELL SEE NOTES Closed 1var Active	2014-09-07 08:15:40
Activity			1 166263 MEGAN MERR - CHANGE OF ADDRESS.mrg 275 KB	MM Monica Melo assign to Amanda Bell	2014-09-07 08:12:24
			MM Monica Melo Assigned to Requester Impact Opened By Priority Short description UPDATE ADDRESS		2014-09-06 15:45:41

Non-Technical - INCCW0148530

MM Monica Melo
assign to Amanda Bell

MM Monica Melo
Assigned to AMANDA BELL
Requester MEGAN KERR
Requester 2- Medium
Created by Monica Melo
Priority 3 - Moderate
Short description UPDATE ADDRESS
Status Active
Requester Type Former Coworker

Ticket Audit Trail

Opened	2014-08-06 15:44:26	Updated	2014-08-07 08:15:40
Opened by	Monica Melo	Updated by	165263
Created	2014-08-06 15:48:41	Closed	2014-08-07 08:15:40
Created by	163919	Closed by	AMANDA BELL

Tasks Go to Number

Parent = INCCW0148530

Assigned to

Short description

Task type

Assigned to

Status

Priority

No records to display

Task SLAs Go to SIA definition

Task = INCCW0148530

Voice Services - Toll Free Call Detail

RENT A CENTER CORP
5501 HEADQUARTERS DR
PLANO, TX 75024-5837

Corporation ID [REDACTED]

Invoice Number [REDACTED]
Invoice Date [REDACTED]
Page Number 0
Bill Payer ID [REDACTED]
Account Number [REDACTED]

Date	Time	Caller Number	Place Called From	Mins	N	T	R	D	T	Usage	Payph Use Charge	Surcharges	Total
0806	15:20	Redacted	BKFD MAIN CA	3.0	H	1	1	1	1	\$0.06	\$0.00	\$0.01	\$0.07
0806	15:21	Redacted	LA MESA CA	8.1	H	1	1	1	1	\$0.16	\$0.00	\$0.01	\$0.17
0806	15:21	Redacted	PLAINFIELD NJ	4.5	H	1	1	1	1	\$0.09	\$0.00	\$0.01	\$0.10
0806	15:21	Redacted	PITTSBURG CA	0.7	B	1	1	1	1	\$0.01	\$0.00	\$0.01	\$0.02
0806	15:22	Redacted	CARY NC	1.8	H	1	1	1	1	\$0.04	\$0.00	\$0.01	\$0.05
0806	15:22	Redacted	PITTSBURG CA	1.6	B	1	1	1	1	\$0.03	\$0.00	\$0.01	\$0.04
0806	15:22	Redacted	COOKSVILLE ON	0.5	H	1	1	1	1	\$0.09	\$0.00	\$0.00	\$0.09
0806	15:23	Redacted	LITTLE ROCK AR	3.8	H	1	1	1	1	\$0.08	\$0.00	\$0.01	\$0.09
0806	15:23	Redacted	MIDLAND TX	9.6	H	1	1	2	1	\$0.36	\$0.00	\$0.01	\$0.37
0806	15:24	Redacted	PETALUMA CA	0.6	B	1	1	1	1	\$0.01	\$0.00	\$0.01	\$0.02
0806	15:24	Redacted	CARY NC	19.1	H	1	1	1	1	\$0.38	\$0.00	\$0.01	\$0.39
0806	15:24	Redacted	MIAMI FL	9.4	H	1	1	1	1	\$0.19	\$0.00	\$0.01	\$0.20
0806	15:24	Redacted	SILVERCITY NM	2.2	H	1	1	1	1	\$0.04	\$0.00	\$0.01	\$0.05
0806	15:24	Redacted	BOSTON MA	12.8	H	1	1	1	1	\$0.26	\$0.00	\$0.01	\$0.27
0806	15:25	Redacted	PETALUMA CA	11.7	B	1	1	1	1	\$0.23	\$0.00	\$0.01	\$0.24
0806	15:25	Redacted	CLEVELAND OH	5.7	H	1	1	1	1	\$0.11	\$0.00	\$0.01	\$0.12
0806	15:26	Redacted	CLEARFIELD UT	10.7	H	1	1	1	1	\$0.21	\$0.00	\$0.01	\$0.22
0806	15:26	Redacted	GULFPORT MS	0.7	H	1	1	1	1	\$0.01	\$0.00	\$0.01	\$0.02
0806	15:26	Redacted	CARLISLE PA	13.1	B	1	1	1	1	\$0.25	\$0.00	\$0.01	\$0.27
0806	15:27	Redacted	MEMPHIS TN	0.5	H	1	1	1	1	\$0.01	\$0.00	\$0.01	\$0.02
0806	15:27	Redacted	SUMMERVIL SC	7.9	H	1	1	1	1	\$0.16	\$0.00	\$0.01	\$0.17
0806	15:27	Redacted	VAN WERT OH	9.4	H	1	1	1	1	\$0.19	\$0.00	\$0.01	\$0.20
0806	15:28	Redacted	CHAMPAIGN IL	1.5	H	1	1	1	1	\$0.03	\$0.00	\$0.01	\$0.04
0806	15:29	Redacted	FTLAUDERL FL	5.7	H	1	1	1	1	\$0.11	\$0.00	\$0.01	\$0.12
0806	15:29	Redacted	GREENSBORO NC	5.3	H	1	1	1	1	\$0.11	\$0.00	\$0.01	\$0.12
0806	15:29	Redacted	FARMINGTON MO	24.1	H	1	1	1	1	\$0.48	\$0.00	\$0.01	\$0.49
0806	15:29	Redacted	CHAMPAIGN IL	15.3	H	1	1	1	1	\$0.31	\$0.00	\$0.01	\$0.32
0806	15:29	Redacted	SILVERCITY NM	0.4	H	1	1	1	1	\$0.01	\$0.00	\$0.01	\$0.02
0806	15:29	Redacted	DALLAS TX	23.4	H	1	1	4	1	\$0.89	\$0.00	\$0.01	\$0.90
0806	15:30	Redacted	DETROIT MI	1.0	H	1	1	1	1	\$0.02	\$0.00	\$0.01	\$0.03
0806	15:30	Redacted	TALLAHASSE FL	1.5	H	1	1	1	1	\$0.03	\$0.00	\$0.01	\$0.04
0806	15:31	Redacted	DETROIT MI	9.3	H	1	1	1	1	\$0.19	\$0.00	\$0.01	\$0.20
0806	15:31	Redacted	CLEVELAND OH	5.2	H	1	1	1	1	\$0.10	\$0.00	\$0.01	\$0.11
0806	15:32	Redacted	CHARLOTTE NC	14.2	H	1	1	1	1	\$0.28	\$0.00	\$0.01	\$0.29
0806	15:32	Redacted	TOLEDO OH	8.9	H	1	1	1	1	\$0.18	\$0.00	\$0.01	\$0.19
0806	15:32	Redacted	BROKENARW OK	1.0	H	1	1	1	1	\$0.02	\$0.00	\$0.01	\$0.03
0806	15:34	Redacted	BROKENARW OK	1.3	H	1	1	1	1	\$0.03	\$0.00	\$0.01	\$0.04
0806	15:34	Redacted	CLEARWATER FL	1.3	H	1	1	1	1	\$0.03	\$0.00	\$0.01	\$0.04
0806	15:34	Redacted	TALLAHASSE FL	6.2	H	1	1	1	1	\$0.12	\$0.00	\$0.01	\$0.13
0806	15:34	Redacted	FGC-CITY GA	3.4	H	1	1	1	1	\$0.07	\$0.00	\$0.01	\$0.08
0806	15:34	Redacted	FAIRBANKS AK	0.3	H	1	1	1	1	\$0.01	\$0.00	\$0.01	\$0.02
0806	15:35	Redacted	JAMAICA PL MA	4.3	H	1	1	1	1	\$0.09	\$0.00	\$0.01	\$0.10



Voice Services - Toll Free Call Detail

RENT A CENTER CORP
5501 HEADQUARTERS DR
PLANO, TX 75024-5837

Corporation ID [REDACTED]

Invoice Number [REDACTED]
Invoice Date [REDACTED]
Page Number [REDACTED]
Bill Fayer ID [REDACTED]
Account Number [REDACTED]

Date	Time	Caller Number	Place Called From	Mins	N R D T				Usage	Payph Use Charge	Surcharges	Total
					T W K	N C P	A T P	A A E				
0724	11:28	Redacted -2424	CLOVIS NM	1.9	H		1	1	\$0.04	\$0.00	\$0.01	\$0.05
0724	11:29	Redacted -5235	JERSEY CITY NJ	0.3	H		1	1	\$0.01	\$0.00	\$0.01	\$0.02
0724	11:29	Redacted -1056	OPELIKA AL	1.3	H		1	1	\$0.03	\$0.00	\$0.01	\$0.04
0724	11:29	Redacted -0536	CHICAGO HTS IL	0.3	H		1	1	\$0.01	\$0.00	\$0.01	\$0.02
0724	11:29	Redacted -1716	MERIDEN CT	6.6	H		1	1	\$0.13	\$0.00	\$0.01	\$0.14
0724	11:29	Redacted -5235	JERSEY CITY NJ	11.7	H		1	1	\$0.23	\$0.00	\$0.01	\$0.24
0724	11:30	Redacted -3189	MASON OH	1.5	H		1	1	\$0.03	\$0.00	\$0.01	\$0.04
0724	11:30	Redacted -2872	DUNCANVILLE TX	7.0	H		1	4	\$0.27	\$0.00	\$0.01	\$0.28
0724	11:30	Redacted -1054	OPELIKA AL	8.5	H		1	1	\$0.17	\$0.00	\$0.01	\$0.18
0724	11:30	Redacted -1000	SILVER SPRING MD	2.3	H		1	1	\$0.05	\$0.00	\$0.01	\$0.06
0724	11:31	Redacted -2444	CLOVIS NM	1.8	H		1	1	\$0.04	\$0.00	\$0.01	\$0.05
0724	11:31	Redacted -0740	ATLANTA GA	1.1	H		1	1	\$0.02	\$0.00	\$0.01	\$0.03
0724	11:31	Redacted -5000	CANANDAQUA NY	0.3	H		1	1	\$0.01	\$0.00	\$0.01	\$0.02
0724	11:32	Redacted -9210	CANANDAQUA NY	2.2	H		1	1	\$0.04	\$0.00	\$0.01	\$0.05
0724	11:32	Redacted -6861	EL PASO TX	5.9	H		1	2	\$0.22	\$0.00	\$0.01	\$0.23
0724	11:32	Redacted -5061	WILMINGTON NC	0.8	H		1	1	\$0.02	\$0.00	\$0.01	\$0.03
0724	11:33	Redacted -2424	CLOVIS NM	1.2	H		1	1	\$0.02	\$0.00	\$0.01	\$0.03
0724	11:33	Redacted -4873	FALLS CHURCH WV	16.1	H		1	1	\$0.32	\$0.00	\$0.01	\$0.33
0724	11:33	Redacted -9600	DAYTON OH	3.9	H		1	1	\$0.08	\$0.00	\$0.01	\$0.09
0724	11:33	Redacted -3189	MASON OH	11.3	H		1	1	\$0.23	\$0.00	\$0.01	\$0.24
0724	11:33	Redacted -5837	MANASSAS VA	0.9	H		1	1	\$0.02	\$0.00	\$0.01	\$0.03
0724	11:33	Redacted -6436	LEWISVILLE TX	1.5	H		1	4	\$0.06	\$0.00	\$0.01	\$0.07
0724	11:33	Redacted -0740	ATLANTA GA	8.6	H		1	1	\$0.17	\$0.00	\$0.01	\$0.18
0724	11:33	Redacted -1214	NORWALK OH	1.8	H		1	1	\$0.04	\$0.00	\$0.01	\$0.05
0724	11:33	Redacted -4470	HELENA MT	0.5	H		1	1	\$0.01	\$0.00	\$0.01	\$0.02
0724	11:34	Redacted -2444	CLOVIS NM	7.1	H		1	1	\$0.14	\$0.00	\$0.01	\$0.15
0724	11:34	Redacted -5061	WILMINGTON NC	3.6	H		1	1	\$0.07	\$0.00	\$0.01	\$0.08
0724	11:34	Redacted -1485	BENTONVILLE AR	1.8	H		1	1	\$0.04	\$0.00	\$0.01	\$0.05
0724	11:34	Redacted -5837	MANASSAS VA	3.5	H		1	1	\$0.07	\$0.00	\$0.01	\$0.08
0724	11:34	Redacted -1616	ATLANTA NE GA	19.5	H		1	1	\$0.39	\$0.00	\$0.01	\$0.40
0724	11:35	Redacted -9598	DALLAS TX	0.6	H		1	4	\$0.02	\$0.00	\$0.01	\$0.03
0724	11:35	Redacted -6219	READING PA	7.4	H		1	1	\$0.15	\$0.00	\$0.01	\$0.16
0724	11:35	Redacted -1613	FREDERICK MD	1.7	H		1	1	\$0.03	\$0.00	\$0.01	\$0.04
0724	11:36	Redacted -1648	CHAMPAIGN IL	3.5	H		1	1	\$0.07	\$0.00	\$0.01	\$0.08
0724	11:36	Redacted -9234	TOOELE UT	10.0	H		1	1	\$0.20	\$0.00	\$0.01	\$0.21
0724	11:36	Redacted -1214	NORWALK OH	0.5	H		1	1	\$0.01	\$0.00	\$0.01	\$0.02
0724	11:37	Redacted -2075	QUEENS NY	6.9	H		1	1	\$0.14	\$0.00	\$0.01	\$0.15
0724	11:37	Redacted -1245	EILOXI MS	3.3	H		1	1	\$0.07	\$0.00	\$0.01	\$0.08
0724	11:37	Redacted -8058	BRADENTON FL	5.7	H		1	1	\$0.11	\$0.00	\$0.01	\$0.12
0724	11:37	Redacted -8300	W PALM BEACH FL	6.9	H		1	1	\$0.14	\$0.00	\$0.01	\$0.15
0724	11:37	Redacted -9988	BUFFALO NY	4.1	H		1	1	\$0.08	\$0.00	\$0.01	\$0.09
0724	11:38	Redacted -1860	AURORA IL	2.3	H		1	1	\$0.05	\$0.00	\$0.01	\$0.06



Marissa Torres
November 08, 2017

Friday, 15 December, 2017 11:54:34 PM
Clerk, U.S. District Court, ILCD

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

U.S. EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	Case No. 16-cv-2222
)	
Plaintiff,)	Magistrate Judge Long
)	
VS.)	
)	
RENT-A-CENTER EAST, INC.,)	
)	
Defendant.)	

ORAL DEPOSITION OF
MARISSA TORRES
NOVEMBER 8, 2017

ORAL DEPOSITION OF MARISSA TORRES, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on November 8, 2017, from 11:00 a.m. to 12:41 p.m., before Christy Cortopassi, CSR in and for the State of Texas, reported by machine shorthand, at the office suites of Embassy Suites by Hilton Dallas Frisco Hotel Convention Center & Spa, 7600 John Q. Hammons Drive, Frisco, Texas 75034, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Marissa Torres
November 08, 2017

7

1 Q. Okay. Is it seasonal or...

2 A. No.

3 Q. Okay.

4 A. Strategy.

5 Q. Okay. And do you have any information about
6 how large the solution center was in 2014?

7 A. No.

8 Q. Okay. And -- am I right in thinking since you
9 didn't work for Rent-A-Center until January 2015, you
10 don't have any personal knowledge of anything that
11 happened at Rent-A-Center in 2014?

12 A. Correct.

13 Q. And just to clarify, I mean, did you have any
14 other kind of relationship with Rent-A-Center before
15 that?

16 A. No.

17 Q. You weren't working for a vendor of
18 Rent-A-Center, for example?

19 A. No.

20 Q. Okay. When -- before Rent-A-Center, where did
21 you work last, Ms. Torres?

22 A. La Quinta Inns & Suites.

23 Q. And what kind of work did you do there?

24 A. I was director of revenue operations.

25 Q. And forgive my ignorance, is that accounting

1 point after you started?

2 A. Interactive Intelligence.

3 Q. The whole time?

4 A. The whole time.

5 Q. Okay. And so every call that comes into the
6 solution center is recorded by Interactive Intelligence,
7 correct?

8 A. Yes.

9 Q. From beginning to end?

10 A. Yes.

11 Q. Do -- going back to a supervisor's review of a
12 generalist's, you know, performance in the key
13 responsibility areas, is there any area in particular
14 that is targeted to the accuracy of the information that
15 the generalist records in tickets?

16 A. Yes.

17 Q. Where is that?

18 A. It's in the quality assurance form.

19 Q. And what is the quality assurance form?

20 A. That's what we use to score and coach three to
21 five times a month.

22 Q. Okay. So is that part of the -- the quality
23 reviews?

24 A. Yes.

25 Q. Okay. And then what does the person who's

1 conducting a quality review look at or listen to in
2 order to evaluate the accuracy of tickets?

3 A. So they would listen to the call, review the
4 ticket, compare the knowledge base if they need to. And
5 if the answer was wrong, then they would mark that area
6 as -- as fail.

7 Q. So they're looking at the accuracy of the
8 information or answer that was given by the generalist
9 who had called them?

10 A. Yes.

11 Q. Are they specifically measuring the accuracy of
12 completeness of the issues mentioned by the caller and
13 whether those are recorded accurately or with the right
14 level of detail in the ticket?

15 A. Yes.

16 Q. And how is that scored?

17 A. It's in that same line about accuracy.

18 Q. So meaning, the accuracy of responses given and
19 information recorded from the caller is -- is combined
20 in one score?

21 A. So it's changed throughout the -- throughout
22 the last almost three years. So right now we have one
23 form that includes the ticket and the call. Prior to
24 that we had two forms, one for the call, one for the
25 ticket.

1 Q. And so let's focus on the earlier system where
2 there were two forms. And the form for the ticket --
3 I'm just trying to get a sense. Is there a numerical
4 score related to accuracy that was generated during the
5 quality review?

6 A. Yes.

7 Q. And how was that numerical score computed?

8 A. So again, it's based on the different areas.
9 So things like grammar, punctuation, classifying the
10 ticket correctly. Was -- and making sure was a ticket
11 created if there needed to be a ticket created.

12 So there was different line items in the
13 form.

14 Q. Okay. Was one of them whether or not all of
15 the issues mentioned by the caller were noted in the
16 ticket?

17 A. Yes.

18 Q. And was there a score for that, specifically?

19 A. The overall score for the ticket.

20 Q. So is that a no, there wasn't a specific
21 numerical score for that?

22 A. It would be a zero or a one.

23 Q. Okay. And so a one, if somebody did note each
24 topic addressed by the caller, and a zero if they
25 addressed fewer than all of them?

1 A. Right.

2 Q. And at around the time that you started at
3 Rent-A-Center, do you recall anything about the -- let
4 me strike that.

5 The manager of analytics and reporting --
6 or anyone in the solution center, was there ever any
7 effort to aggregate statistics about the accuracy of
8 tickets?

9 A. Yes.

10 Q. And was there any effort to aggregate the
11 accuracy of, you know, each of these different
12 components of accuracy? For example, whether or not the
13 ticket included all the items mentioned by the caller?

14 A. I'm sure. I mean, we have looked at our, you
15 know, our history, every -- you know, every which way
16 you can look at it to look for key opportunities to
17 improve.

18 Q. Do you recall, around the time that you started
19 at Rent-A-Center, what percentage of the tickets would
20 be scored a one as opposed to a zero in terms of
21 mentioning all the topics?

22 A. No.

23 Q. Okay. Is that a data that exists at
24 Rent-A-Center now?

25 A. Probably not.

1 Q. Why do you say probably not?

2 A. The form wasn't loaded inside of Interactive
3 Intelligence. So I'm not sure.

4 Q. Okay. But if there was any sort of aggregate
5 analysis done, who would have done that?

6 A. It would have been somebody before my time.

7 Q. Okay. So that sort of analysis wasn't done
8 during the time that you have worked at Rent-A-Center?

9 A. Well, that sort of analysis was during my time.
10 I can't speak to what was before my time.

11 Q. Oh, okay. But during the time that you have
12 been at Rent-A-Center, but focussing on around when you
13 arrived there, were those sorts of analyses done, an
14 analysis -- aggregate analysis of accuracy tickets?

15 A. I can't speak to that.

16 Q. Okay. Meaning you don't know?

17 A. I don't know.

18 Q. Okay. All right. Do you recall ever having
19 any -- seeing any analysis of accuracy and thinking, oh,
20 that's something that we should work to improve?

21 A. I don't recall that, no.

22 Q. Okay. Would that have been within your area of
23 responsibility or would that have been one of the
24 managers under you?

25 A. It would have been under mine.

1 Q. Okay. So have you any -- had -- ever had any
2 occasion where you saw a need to improve the -- any
3 aspect of the accuracy of tickets?

4 A. Yes.

5 Q. Okay. Can you give me an example?

6 A. So using shorthand versus the -- you know, or
7 using acronyms, things like that. So -- because when
8 our district managers receive tickets from our
9 customers, you know, they don't necessarily have the
10 customer information in front of them.

11 So if it's using some acronym or some lingo
12 or if it's not grammatically correct, that makes it, you
13 know, makes it not -- makes it impossible for them to
14 just look at it and be able to take action.

15 Q. All right. Was there ever -- during the time
16 that you have been at Rent-A-Center, have generalists
17 ever gotten a less than satisfactory quality review
18 rating?

19 A. Yes.

20 Q. And has that ever been, at least in part, due
21 to the accuracy statistics?

22 A. I mean, it could be. I mean, there's a lot
23 of -- you know, there's ten different line items. So it
24 could be for anything on -- on that form.

25 Q. Okay. Is there ever anybody -- been anybody

1 fired from the solution center because of their
2 performance and quality reviews?

3 A. Yes.

4 Q. About how many people during the time that you
5 have been at Rent-A-Center?

6 A. I -- I don't know, off the top of my head.

7 Q. More or less than ten?

8 A. I don't -- I don't know.

9 Q. How long are the call recordings stored in
10 Interactive Intelligence?

11 A. 90 days.

12 Q. And then what happens to them?

13 A. The information is purged.

14 Q. Is there any kind of back-up system?

15 A. Not to my knowledge, no.

16 Q. Are you familiar with an employee named Maria
17 Clatterbuch? Her last name may have been different.

18 A. (Moving head side to side.)

19 Q. Maria --

20 MR. TRUSEVICH: Seria.

21 Q. (BY MR. MULAIRE) Seria?

22 A. No.

23 Q. All right. I think she was before your time.

24 MR. TRUSEVICH: You're welcome.

25 Q. (BY MR. MULAIRE) So now I think a moment ago